

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Manabu SUZUKI, et al.

Serial No. 10/725,577

Group Art Unit: 2613

Confirmation No. 3453

Filed: December 3, 2003

Examiner: David S. Kim

For: GAIN SETTING METHOD IN WAVELENGTH DIVISION MULTIPLEX  
TRANSMISSION EQUIPMENT

**TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE  
PATENTING REJECTION (37 C.F.R. 1.321(C))**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

**INTEREST AND TITLE OF PERSON MAKING THIS  
TERMINAL DISCLAIMER**

I, H. J. Staas, represent that I am the attorney of record for this application and am authorized to sign on behalf of the Assignee.

**IDENTITY OF ASSIGNEE**

The Assignee is Fujitsu Limited, a corporation organized and existing under the laws of Japan, and having its office and principal place of business at 1-1, Kamikodanaka, 4-chome, Nakahara-ku, Kawasaki-shi, Kanagawa 211-8588, Japan.

Pursuant to Rule 3.73(b), the Assignee is the current owner of the subject application pursuant to the Assignment identified below.

**RECORD OF ASSIGNMENT IN PTO**

The assignment of the above-referenced application was recorded on December 3, 2003 at Reel 014756, Frame 0422.

## COMMON OWNERSHIP OF U.S. PATENT NO. 7,002,734

Pursuant to Rule 3.73(b), the Assignee is the current owner of the subject application pursuant to the Assignment identified above. Assignee further confirms that it remains the owner of U.S. Patent No. 7,002,734, consistent with the indication of the Assignee on the face thereof.

### CERTIFICATION OF TITLE

The evidentiary documents have been reviewed and the undersigned certifies that, to the best of said Assignee's knowledge and belief, title of the above-identified application and U.S. Patent No. 7,002,734 is in the said Assignee.

### TERMINAL DISCLAIMER

Assignee hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 7,002,734, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to Patent No. 7,002,734, the agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the Patent No. 7,002,734 as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R § 1.321(a), has all claims canceled by a re-examination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned hereby declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### FEE

The requisite disclaimer fee under 37 C.F.R. §1.20(d) of \$130.00 is enclosed herewith.

STAAS & HALSEY LLP

Dated: July 5, 2007

By:

  
H. J. Staas  
Registration No. 22,010